

Applicants: Nalam Madhusudhana Rao and Priyamvada Acharya
Serial No.: 10/768,951
Filed : January 29, 2004
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REMARKS

Claims 1-51 are pending and under examination. By this Amendment, Applicant has amended claims 1-16, canceled claim 17-51 and added new claims 52-61. Accordingly, claims 1-16 and 52-61 will be pending in the subject application upon entry of this Amendment.

Support for the amendment to claim 1 may be found, *inter alia*, on page 10, line 28 to page 11, line 4, on page 11, lines 14-24, on page 24, Table 2 and on page 25, Table 3 of the specification as filed.

Support for the amendments to claims 2-12 may be found, *inter alia*, on page 10, line 28 to page 11, line 4, page 11, lines 14-24 of the specification as filed.

Support for the amendment to claim 13 may be found, *inter alia*, on page 12, lines 28-30 and page 13, lines 1-2 of the subject specification.

Support for the amendment to claims 14 and 15 may be found, *inter alia*, on page 10, line 28 to page 11, line 4, page 11, lines 14-24 of the specification as filed.

Support for new claims 52-57 may be found, *inter alia*, in the sequence listing of the specification.

Support for new claim 58 may be found, *inter alia*, on page 7, lines 11-14 and page 13, lines 9-12 of the specification as filed.

Support for new claim 59 may be found, *inter alia* on page 13, lines 9-16 of the specification as filed.

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Support for new claim 60 may be found, *inter alia* on page 13, lines 9-16 of the specification as filed.

Support for new claim 61 may be found, *inter alia* on page 9, lines 17-31 and page 11, lines 19-24 of the specification as filed.

Support for the amendments to the specification may be found in the sequence listing as originally filed and as currently submitted.

Sequence Listing

Applicants have amended the specification hereinabove to identify the nucleic acid sequences of the lipase variants. Applicants submit a paper copy of a substitute Sequence Listing attached hereto as **Exhibit A** in compliance with the requirements of §1.821-1.825. In addition, Applicants submit herewith a substitute Sequence Listing on the enclosed computer diskette. Moreover, Applicants submit as **Exhibit B** a Statement in Accordance with 37 C.F.R. §1.821(f) certifying that the information in the computer readable form and that in the paper copy are the same, and that the Sequence Listing does not introduce new matter relative to the subject application as originally filed.

Through an inadvertent error in conjunction with the filing of a March 9, 2005 Substitute Sequence Listing, Applicants omitted sequence listings corresponding with new SEQ ID Nos. 23-34. Applicants note that the corresponding gene sequences as originally disclosed on pages 28 to 37 of the specification as originally filed have now been reincorporated into the Sequence

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Listing as SEQ ID Nos. 23-34.

Claim Rejections - 35 U.S.C. §112, second paragraph

On page 3 of the February 21, 2007 Office Action, the Examiner rejected claims 1-17 under 35 U.S.C. §112, second paragraph as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

The Examiner stated that claims 1-17 recite "lipase gene variants having SEQ IS NO:2... SEQ ID NO:6". The Examiner alleged that SEQ ID Nos. 2 through 6 are lipase polypeptide variants. The Examiner alleged that the claims are indefinite for this reason.

In response, Applicants have amended the above claims to recite "lipase variants".

On page 4 of the February 21, 2007 Office Action, the Examiner rejected claims 4-5. The Examiner alleged that there is insufficient antecedent basis for the limitation, "Wherein T_m ".

On page 4 of the February 21, 2007 Office Action, the Examiner rejected claims 6-7. The Examiner alleged that there is insufficient antecedent basis for the limitation "wherein Km value" in claim 6.

On page 4 of the February 21, 2007 Office Action, the Examiner rejected claims 8-11 and claims 8-11 and 13-15 which recited the limitations "Kcat", "Kcat/Km", "organic solvent" or "residual activity in claim 1 or 4 for which there is allegedly insufficient antecedent basis.

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In response, Applicant has amended the above claims to recite antecedent basis as recommended by the Examiner.

On page 4 of the February 21, 2007 Office Action, the Examiner objected to claim 17 under 37 C.F.R. § 1.75 as allegedly a substantial duplicate of claim 16. The Examiner alleged that when two claims in an application are duplicates or are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim.

In response to further prosecution without conceding the correctness of the Examiner's position, Applicants have canceled claim 17.

Accordingly, applicants respectfully submit that all currently pending claims are in condition for allowance.

Applicants further request that Examiner rejoin new claim 61 if the Examiner finds claim 1 allowable.

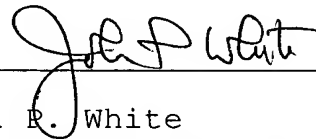
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Summary

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee is deemed necessary in connection with the filing of this Response. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450


 5/21/07
John P. White Date
Reg. No. 28,678



EXHIBIT A

**Applicants: Nalam Madhusdhana Rao and
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